

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(Heard through VC)

CRWP No.10181 of 2020 (O&M)
Date of Decision: December 07, 2020

Mohd. Imran and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishal Garg Narwana, Advocate for
Mr. Minaz Khan, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

1. The petitioners have approached this Court seeking issuance of directions to respondents No.2 and 3 to protect life and liberty of the petitioners as they apprehend threat to the same at the hands of respondents No.4 to 12 for having married against wishes of their families.
2. Notice of motion.
3. At this stage, Ms. Deepshikha Chauhan, AAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the official respondents. Similarly, Mr. Munfaid Khan, Advocate, accepts notice on behalf of the private respondents.
4. Learned counsel appearing on behalf of the private respondents objects to any protection being allowed, by contending that the girl is a

minor, as would be evident from the school leaving certificate. He would also place reliance upon judgments rendered by the Supreme Court in *Shafin Jahan vs. Asokan K.M., Criminal Appeal No.366 of 2018, decided on 08.03.2018* and *Independent Thought vs. Union of India, Writ Petition (Civil) No.382 of 2013, decided on 11.10.2017* to contend that the marriage of a Muslim girl below the age of 18 years could not be considered to be a valid one. He would also submit that an FIR No.502 dated 28.11.2020 has already been registered at Police Station Ferozepur Jhirka, District Mewat, Haryana against petitioner No.1.

5. At this juncture, learned counsel appearing on behalf of the petitioners would contend that in fact, the private respondents are blowing hot and cold, since they have fixed the marriage of petitioner No.2 for 20.12.2020 and has shared the marriage card on the whatsapp group in this regard.

6. Be that as it may, having heard the learned counsel for the parties and while refraining from making any expression as regards validity of marriage of parties or as regards merits of the case, the petition is disposed of with liberty to the petitioners to approach the District and Sessions Judge concerned seeking appropriate directions especially in view of judgment dated 25.7.2012 rendered by Division Bench of this Court in CWP No.6717 of 2009 titled *Asha and another Vs. State of Haryana and others, 2012 SCC OnLine P&H 12746*.

7. Meanwhile, till the petitioners are able to approach the Court of District and Sessions Judge concerned, for the purpose of filing the requisite petition, which they would be expected to file in a day or two, the

petitioners may approach the nearest Police Station for seeking protection till they file the petition before District Judge. Upon being approached, the SHO concerned shall examine the alleged threat perception and ensure that no harm is caused to petitioners till they are able to approach the District Judge concerned and till the matter is put up before him.

8. The petitioners may also seek assistance from the office of Secretary, District Legal Services Authority (DLSA) of the district concerned for the purpose of filing of petition seeking appropriate directions. The Secretary, DLSA shall render all the assistance as may be possible including providing of ‘free legal aid’, to which the petitioners may be entitled to. The SHO, concerned shall also apprise the petitioners about their rights to avail assistance from office of District Legal Services Authority of the district concerned.

9. The petition stands disposed of accordingly.

December 07, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No